IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 22856 of 2007(U)

PETITIONERS:

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1. LEENA R. VARGHESE, D/O. RAJAN VARGHESE, AGED 17, NO.10 GRACEVILLE, P & T HOUSING ENCLAVE, PAROTTUKONAM HILL, PATTOM P.O. THIRUVANANTHAPURAM- 695 004, REPRESENTED BY HER GUARDIAN-FATHER THE 2ND RESPONDENT.

2. RAJAN, VARGHESE, S/O. LATE V.V. VARGHESE, AGED 49, -DO- -DO-

BY ADV. SRI.K.B.PRADEEP

RESPONDENTS:

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1. THE UNION OF INDIA, REPRESENTED BY THE SECRETARY, HEALTH & FAMILY WELFARE, GOVERNMENT OF INDIA, NIRMAN BHAVAN, MOULANA AZAD ROAD, NEW DELHI – 110011.

2. THE SECRETARY, MINISTRY OF EXTERNAL AFFARIS, GOVERNMENT OF INDIA, NEW DELHI.

3. THE ASSISTANT CONTROLLER OF EXAMINATIONS, ALL INDIA INSTITUTE OF MEDICAL SCIENCES, ANSARI NAGAR, NEW DELHI – 110 029.

4. THE ALL INDIA INSTITUTE OF MEDICAL SCIENCES, ANSARI NAGAR, NEW DELHI – 110 029, REPRESENTED BY ITS DIRECTOR.

BY SRI. PARAMESWARAN NAIR, ASST. SOLGENRAL.
SRI. ABRAHAM THOMAS – CGC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.22856 OF 2007

DATED THIS THE 25th DAY OF JULY, 2007

JUDGMENT

The 1st petitioner applied for selection to B.Sc. (Hons.) Nursing Course for this academic year in the quota fixed for Foreign Nationals. According to the petitioners, the 1st petitioner applied in the requisite form on 9.4.2007 by speed post. However, the 1st petitioner received the same only on 24.4.2007 and on 26.4.2007 the forms were duly filled up and forwarded to the 3rd respondent. However, on 10.6.07 the 1st petitioner was informed by the 3rd respondent that the application has to be routed through the diplomatic channel within seven days. The petitioners submit that when the 1st petitioner contacted the Embassy, they informed her that there is no practice of forwarding such applications. In the meantime, the last date for submitting application expired and on 10.7.2007 the list of selected candidates was published. The contention of the petitioners is that since the 1st petitioner's application reached to the 3rd respondent in time, although not through the diplomatic channel, the 1st petitioner is entitled to be considered for admission. On the above ground, the petitioners seek the following reliefs.

> "(1) direct the 4th respondent to keep one vacancy in the Foreign National Quota for B.Sc (Hons.) Nursing Course for the year 2007 pending disposal of the writ petition.
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> (2) direct the 4th respondent to furnish the complete address of all the 5 candidates selected for B.Sc (Hons.) Nursing Course for the year 2007".

Admittedly, the prospectus contains a provision wherein it is stipulated that the applicants in the quota fixed for Foreign National should apply through the diplomatic channel. That provision in the prospectus is not under challenge before me. Admittedly, the 1st petitioner did not apply through the diplomatic channel. That being so, the proper applications submitted by the 1st petitioner has not reached to the respondents yet. In such circumstances, I do not find fault with the respondents in not considering the 1st petitioner for admission. Therefore, I do not find any merit in the writ petition and accordingly, the same is dismissed.

S. SIRI JAGAN, JUDGE

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